

## *The Informal and Formal Complaint Systems*

There are two categories of the complaints process: the *informal* (pre-complaint) process, and the *formal* complaint process. Each category is described below.

### **The Informal (Pre-complaint) Process**

The informal pre-complaint process provides procedures by which USDA processes all contacts by employees, former employees, and applicants who feel that they have suffered in their employment or non-selection because of discrimination, including sexual harassment. The informal pre-complaint process is part of the Counseling, Mediation, and Complaints Program within USDA.

When an employee deems it necessary, he or she may contact a USDA EEO Counselor/Mediator to resolve the situation. If he or she desires to remain anonymous, the employee can tell the Counselor/Mediator that is what he/she wants. The Counselor/Mediator will make a confidential record of the pre-complaint and discuss ways to remedy the problem with the employee.

An employee or applicant who believes that he or she has been discriminated against because of his/her protected class may file a complaint of discrimination **within 45 days** of the alleged discriminatory incident, or of reasonably learning of the possible discriminatory nature of the incident.

It is not the Counselor/Mediator's role to accept or reject complaints, nor does the Counselor/Mediator judge a complaint's validity. If the complainant believes he/she has been discriminated against, the Counselor/Mediator has the responsibility to counsel the aggrieved person.

*Employees who make an allegation of discrimination must first contact an EEO Counselor/Mediator to attempt to informally resolve the matter. Employees have a responsibility to cooperate fully with the EEO Counselor during this stage of the complaint process.*

## The Formal Complaint Process

If an allegation of sexual harassment has not been resolved in the informal process, then a formal complaint may be initiated.

Formal procedures concentrate on investigation and sanctions.

If an employee decides to initiate an informal or a formal complaint, it is helpful to have some evidence to support the claim (eg. records kept describing the incidents, a copy of a letter sent to the harasser to stop).

### Complainant's Rights

During the counseling and formal stages of the discrimination complaint process, the complainant has the right to:

- ! use a reasonable amount of official time to prepare and present the complaint
- ! be represented by a party of his/her own choosing
- ! pursue the complaint free from reprisal, retaliation, coercion, restraint, or interference.

The next page contains a diagram of the complaints process system (including important time frames for each step).

